

## **Executive Committee Meeting Minutes – Monday, May 3, 2004**

Chairman Dwyer called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

**Present:** Chairman James Dwyer, County Board Supervisors Patricia Haukohl, Walter Kolb, Richard Manke, William Mitchell, Duane Paulson and Duane Stamsta.

**Staff Present:** Chief of Staff Lee Esler, Legislative Policy Advisor Mark Mader and Office Services Coordinator Windy Jicha.

**Also Present:** Corporation Counsel Tom Farley, WCFLS Director Tom Hennen, Environmental Health Manager George Morris, Internal Audit Manager Lori Schubert, Michael Post (via conference call), UW-Extension Director Marcia Jante, Treasurer Pam Reeves, Collections Manager Sean Sander, Clerk of Courts Carolyn Evenson, Chief of Staff Allison Bussler, Karen McNelly, Senior Financial Analyst Andy Thelke, Supervisor Hank Carlson, City of Waukesha Library Director Jane Mills, Library Services Coordinator Claudia Backus, Director of Administration Norm Cummings, Supervisor Rodell Singert, Environmental Health Supervisor Steve Korthof, Director of Parks and Land Use Dale Shaver.

### **Educational Discussion by Corporation Counsel on How to Handle Tax Refund Intercept and Late Tax Payment Appeals**

Farley distributed and reviewed copies of Wisconsin §74.69 and §71.935 and a packet of information explaining the tax refund intercept and late tax payment appeal processes.

### **Discuss and Consider Tax Refund Intercept Appeal for Michael Post**

Dwyer swore in Michael Post via conference call. Post said the process was improperly applied because the basis for the certification of the debt was not given to him. He has been incarcerated since 2002 and does not know why he owes money to Waukesha County.

Sander said this debt was incurred September 22, 2003. Post said he has been in prison since June of 2003. Nobody has provided him evidence showing he owes money. Sander said this certification was of a \$20 medical co pay incurred while he was in the Waukesha County Jail in September 2003. Sander said Post would have been given a bill for this co pay while at the jail and had been sent further notices of debt. Sander said Post also owes \$209 to Waukesha County for a fine. Post acknowledged that he was aware of what the debt was for verbally and in his letters to Waukesha County.

Dwyer said the County Board will notify Post of the determination of the validity of the intercept. The conference call ended.

Sander said showed the committee an affidavit of mailing showing that a certification letter was mailed to Post at his current address for a debt of \$229 on February 11. Sander said inmates can earn money while in prison and the county can certify their state tax refund. Once a debt is certified, it is certified until the debt is paid or the statute of limitations runs out.

Farley shared with the committee the affidavit of mailing showing the certification letter was sent to Michael Post. Esler said Post admitted to knowing the basis of the debt and that is what is needed according to statute. The letter Post sent to the county states the basis of his debt. Post received the letter from Waukesha County on time because he responded back to Waukesha County in writing on time.

**MOTION:** Manke moved, Stamsta second, to deny the Tax Refund Intercept Appeal for Michael Post.

**Motion carried:** 7-0.

### **Discuss and Consider Tax Payment Appeal for Mark Kegun**

Kegu did not appear to discuss his tax payment appeal. Reeves said Kegu has given several reasons to her office of why his tax payment was late. These reasons include not receiving the tax bill, sending payment with other payments and postal error.

**MOTION:** Haukohl moved, Kolb second, to deny the Tax Payment Appeal for Mark Kegu. **Motion carried:** 7-0.

#### **Discuss and Consider Tax Refund Intercept Appeal for Florencio Alvarez**

Alvarez did not appear to discuss his tax refund intercept appeal. Sander said this debt is for a traffic fine dating back to 1994. The Alvarez debt was certified in February 2004. Farley distributed the affidavit of mailing which included the certification letter sent to Alvarez. Sander said these are not parking citations.

**MOTION:** Haukohl moved, Kolb second, to deny the Tax Refund Intercept Appeal for Florencio Alvarez. **Motion carried:** 7-0.

#### **Introduction of Committee Members**

The committee members were briefly introduced.

#### **Nomination and Election of Committee Vice-Chair and Secretary**

No committee vice-chair was nominated because of the line of succession automatically designates the County Board vice-chair as the Executive Committee vice-chair.

**MOTION:** Mitchell moved, Stamsta second, to nominate Kolb as Committee Secretary. **Motion carried:** 7-0.

#### **Public Comment**

Bussler said at 2 a.m. on May 1, an agitated mental health patient drove through a wall of the Mental Health Center. No one was injured and the wall was boarded up.

#### **Correspondence**

Chairman Dwyer reviewed and distributed the list of correspondence. He said Supervisors should request copies of the listed items from Jicha.

#### **Discuss Committee Duties and Responsibilities as Contained in the Code of Ordinances**

Esler reviewed and the committee discussed the Executive Committee duties and responsibilities as contained in Sec. 4-105 of the Waukesha County Code.

#### **Discuss and Consider Community Learning Centers for Saratoga, White Rock and Whittier Elementary Schools Grant for UW-Extension**

Jante said this grant is for schools that have a low-income population and offer free and reduced-cost lunches. Saratoga, White Rock and Whittier are the only schools in Waukesha County eligible for this grant. The Waukesha School District is the grant applicant and will contract with Waukesha County for the program director and site coordinators positions. The maximum grant that can be applied for is \$100K which is a decrease in the funds for the after school programs. The results will be announced on June 20.

Haukohl said she talked to the supervisor of this area and he feels there has been an incredible amount of money been put into this area. He would like to see statistical outcomes of the programs. Jante distributed and quickly reviewed a handout outlining improvements on standardized tests made by students in these programs.

### **Discuss and Consider the Waukesha County Federated Library's 2003 Annual Report**

Hennen said in 2003, they received two NACo awards for a reading program and a children's choice program. We are constantly trying to balance the books and the bytes. During the last ten years, circulation has gone up 35%. In the past year he has completed local library planning with nine libraries. Hennen said we get money from the Lakeshores Library System which is distributed to libraries used by residents of Racine County. We pay state aide funding to the City of Waukesha Library because it is our main library.

**MOTION:** Haukohl moved, Mitchell second, to accept the Waukesha County Federated Library's 2003 Annual Report. **Motion carried:** 7-0.

### **Discuss and Consider the Waukesha County Federated Library's Projected 2005 Budget Based on Current Library Appropriations**

Hennen said the tax levy imposed on county municipalities without libraries is adjusted annually to account for amounts spent by libraries over or under the budget estimates for any given year. This avoids the problem that would otherwise occur if libraries are over or under budget that would lead to an inappropriately high or low county library levy. The calculations require funding information from two prior years for any given year's funding. He anticipates total revenue will decrease 1% to \$2,741,386 in 2005. This amount is based on 2004 budget numbers and 2003 overages. Hennen said changes to the Pewaukee Libraries will increase the mill rate.

### **Discuss and Consider Background and Recommendations of the Capital Costs Study Committee**

Hennen said the committee recommends that residents of communities in Waukesha County that do not own and operate libraries pay a portion of the capital costs of providing library services. The committee recommends that the level of taxation be set at 13 cents in capital funds for every library operating dollar paid by non-library community residents. The committee selected a fund distribution proposal that would reimburse library communities for capital costs in direct proportion to their current ratios of circulation service to communities taxed. The committee decided that future Act 150 Committees will address the issue of federated versus consolidated versus district library service.

Dwyer asked if the decision was unanimous? Hennen said no it was not. Kipp voted no on the report.

Mitchell said he was the opposing vote on the library board. The City of Waukesha Library expansion is being built because of nonlibrary library users. He doesn't know if the expansion is needed. It is up to local libraries to decide to go forward with expansions. It is a city matter versus a matter for nonlibrary communities. Thirteen cents may be an average but a great majority of counties don't charge for the capital improvements. In 2005, the library fund will go down 1% in one area but it is going up \$358K due to the decision of the Capital Cost Study Committee which is greater than the reduction to the budget. When the City and Village of Pewaukee go to a joint library, it will have a more dramatic effect on taxes than Hennen has mentioned.

Carlson [a member of the Capital Costs Study Committee] said the committee members agreed that the nonlibrary communities weren't paying their fare share. All libraries have capital costs. The larger the library the larger the capital costs. We are looking at a token payment from nonlibrary communities toward the capital costs incurred by library communities. People have problems because there is no representation of nonlibrary communities on the library boards. Capital costs are more than bricks and mortar. These payments would be a small amount of money. The library communities serve a lot of people outside of the communities and pay a lot of money to run the libraries.

Manke said it bothers him when he hears that nonlibrary communities shouldn't pay the library tax because they don't have representation. We can correct this.

Stamsta said you need facilities to house books. The nonlibrary communities should share in the cost of basics in a library. He said when we build a road or jail, we don't ask communities how many inmates they will be sending to the jail or how many people from each community will travel on a road. We shouldn't argue over the use of the libraries and funding.

Esler said the recommendation is for the smallest percentage basis of all options. If you are looking at actual capital to operating costs, your estimates are higher. How are we going to back arguments that 13 cents is enough? Hennen said the advisory boards of the libraries have voted on this and they see it as a positive move. He thinks there is a lot of consensus. The numbers are good because state and national average were used instead of the higher average found in Waukesha County. Esler asked if the language in the soon-to-be-written ordinance would reflect an adjustment to the formula? Hennen said it will be written in as a surcharge. Formulating an annual formula will be a roller coaster and wouldn't make any sense.

**MOTION:** Haukohl moved, Manke second, to direct Hennen to draft an ordinance to bring to the Executive Committee to change the county code in accordance to the recommendations of the Capital Costs Study Committee. **Motion carried: 5-2** (Mitchell and Kolb voted no.)

#### **Discuss and Consider Library Standards and Exemptions to the County Library Tax Levy**

Hennen said the County Board adopted changes to Chapter 23 of the County Code based on recommendations of the Act 150 Planning Committee. Among other things, the adopted plan included library standards, including a library service effort ratio allowing libraries an alternate method of meeting requirements. During 2003, the Act 150 Committee reviewed and recommended retention of the standards developed in 2000. All 16 libraries met or exceeded the standards as reported in their annual reports filed in March of 2004 for 2003 activities.

Hennen said the City and Village of Pewaukee are in talks for a joint library. The major issue for the County Board will be when to give the City of Pewaukee an exemption for joint library participation. Cities do not require county permission to form libraries, either jointly or singly but the county does have the ability to set library standards as a condition for exemption from the county library levy. The law requires the County Board to take action on granting exemptions based on the standards by August 31, 2004. The location of the joint library will be in the Village of Pewaukee. The Village of Pewaukee library meets the numerical standards and is likely to continue to do so for some years. As a joint library they would immediately become deficient in total volumes and staff levels without substantial changes. The county code states that a new library cannot use the alternate Library Service Effort Ratio requiring 90% services for the first three years. Therefore the library must meet the numerical standards for hours open, materials spending, staff levels and total collection. It appears the City and Village of Pewaukee will seek to get an exemption as a joint library for 2005. It is unlikely the new building will be constructed before summer of 2005. It is also unlikely they will meet the technical requirements for exemption based on meeting standards because there is not enough room in the current building for the materials and staff they will need to meet the standards. This will have impact on the county tax levy.

Hennen said the City and Village of Pewaukee need to know whether or not the County Executive and County Board will support a petition by August 30, 2004 to get a guaranteed exemption for 2005 even if they cannot occupy the building until summer of that year. Hennen said he would recommend the county grant the exemption because the standards have been met, not in anticipation of meeting them.

Hennen said we need to be concerned about the responses from other library communities if the Pewaukee libraries join efforts because of the loss of revenue that will be experienced in 2005. The county funding formula is based on prior year funding and circulation so the first year, the only impact the remaining 18 TNR library communities will see is an increase in mill rate from approximately 26 centers to 33 cents per \$1,000. This will force the Town of Merton, City of Delafield and City of New Berlin to increase their funding at double-digit rates in 2005 while simultaneously reducing funds for distribution to other libraries (Brookfield and Waukesha would be most greatly affected) by about \$300,000 of the \$2.8 million generated on the county library levy. This reduction of funds will be difficult for the libraries. At the end of approximately three years of transition, all library users in the county will likely be better served by the new configuration of libraries as long as the joint library provides a standard level of service.

### **Meeting Approvals**

**MOTION:** Haukohl moved, Manke second, to approve attendance of the Executive Committee at the WCA District meeting on May 5, 2004 in Kenosha. **Motion carried:** 7-0.

**MOTION:** Haukohl moved, Mitchell second, to approve attendance of the Executive Committee to attend the WCEDC annual meeting on May 27. **Motion carried:** 7-0.

The committee adjourned for lunch at 12:03 p.m. and re-convened at 1 p.m.

### **Discuss and Consider Audit Report: “Environmental Health Division Licensing Program Audit”**

Schubert said the scope of the audit was to conduct a compliance and performance audit of the Environmental Health Division’s activities. The audit was originally designed to focus on the Licensing and Private Sewage and Water programs and grant management activities of the Division. These programs, based on a preliminary review, had the greatest public impact and highest potential risk related to operations. During the audit, the auditors performed an overview of the operations, a financial analysis and a risk assessment for these areas. Based on the results, it was determined that the operational risk of the Licensing Program was significantly greater than the other programs. Considering these factors and the limited time frame of the audit, detailed audit efforts were focused on the operations of the Licensing Program. A limited review of the Private Sewage and Water Program was completed including a risk assessment and analysis of expenditures and revenues.

Schubert said overall, they found the Licensing Program to be operating in an efficient and effective manner and to be complying with state and federal regulations and guidance. The Environmental Health and Public Health Divisions jointly manage outbreaks of communicable disease. The level of cooperation between the divisions appears adequate to effectively and efficiently manage outbreaks of communicable diseases.

Schubert reviewed the Summary of Audit Recommendations as found on pages three and four of the report including the management responses. Recommendations were made to improve operations in the following areas: implementing a risk-based inspection plan, updating and/or enforcing policies related to the inspection scoring system, rotating inspectors among high-risk establishments and scheduling and completing inspections in a timely manner.

Schubert said based on the 2001 FDA guidelines, the Division’s staffing should be between 6.5 – 7.5 FTEs based on current inspection and consultation levels. Current staffing is five full-time equivalent employees. The number of new food establishments has been increasing annually since 2001. Analysis of establishment trends will assist management in evaluating staff levels, cost and other trend analysis. The Licensing Program has been able to complete its workload with existing staff. However, the increasing number of

establishments in the county and the potential effect of proposed program changes at the state level may require steps to accommodate the growing workload of the program.

Haukohl asked if the county could get into trouble for not having enough inspectors? Schubert said these are guidelines only. It's not a strict requirement to have a set amount of inspectors. Haukohl asked if the county could get into trouble if we don't complete the necessary work and there's an outbreak of sorts? Shaver said the guidelines are there to help determine staffing levels. We have agent agreements with the state to inspect each restaurant annually. We are obligated to perform so much work for each permit or new establishment. As the number of new restaurants grows, it may become difficult to complete the baseline work of one inspection per restaurant per year. Inspectors can be in a restaurant every day and still have a food-borne illness outbreak. It is the nature of the business. Schubert said the agent agreements are the ultimate thing we will be held to and we are meeting those.

Schubert said the Division developed a Licensing Program database that evaluates and monitors operations and generates management statistics. Management cannot rely on the current Licensing Program database for these purposes due to undetermined programming errors. The Information Systems Division is working on correcting these errors.

Schubert said the staff person working on the database was pulled off the project to work on a Sheriff's Department project. They are expected to start working again on the database next month.

Shaver said you could buy software off-the-shelf to do this type of task. It is cheaper upfront but then you are obligated to the software including upgrades and support for a while. The tool allows the inspectors to use a laptop in the field to record results, download their findings upon return and then load the necessary data in the a.m. This is the first time IS has built this type of system so there are bugs that need to be worked out.

Schubert said proposed restructuring of the state Department of Health and Family Services could significantly increase the workload within the Licensing Program. The areas with the greatest potential impact include: county inspection of all food establishments, including schools receiving funding through the National School Lunch Program, which are currently inspected by the state; county inspection of all x-ray machines and tattoo parlors; and establishment of a statewide uniform fee structure for all agents that could result in a portion of program costs being funded by tax levy.

Shaver said he is concerned that a uniform statewide fee could negatively impact the County's ability to recover all costs through the fee structure. Morris said a Health Physicist would be used to inspect x-ray machines and would cost \$5,000 to \$8,000 to train.

Schubert said the Division uses no tax levy. Licensing fees are calculated based on actual cost incurred and evaluated for reasonableness annually. Licensing fees increased slightly for some food establishment categories in license year 2004.

Schubert said complaints always result in an inspection based on the agency agreements. Follow-up of complaints is prioritized within the workload of the division. Complaints that indicate a public health hazard are investigated immediately. The rate of complaints has been decreasing steadily since 2001. The Division has developed a draft risk-based inspection plan with a goal of increasing inspection frequency at high-risk establishments and decreasing inspection frequency at low risk establishments. The audit recommends the division again consider negotiating with the state to implement a risk-based inspection plan. The audit also recommends that the division develop a limited inspection rotation policy for high-risk food establishments that have consistently low performance.

Schubert said the audit recommends that Division management ensure that all follow-up inspections are conducted in a timely manner in accordance with the division's policies and procedures. The inspector and management should reasonably justify within the inspection report when the follow-up inspection time period is beyond what is specified in the policies and procedures. The division should develop a monitoring system for scheduling and completing routine and follow-up inspections when the database issues are corrected.

Schubert said the audit staff also recommends that the inspection policies and procedures be updated to specify that any deviations from the scoring system should be explained in the inspector's report and approved by Division management and a follow-up inspection is required if CDC critical violations are identified and not corrected during the routine inspection and that if the follow-up inspection is not scheduled and completed within seven days, the reasons should be noted in the inspector's reports.

Schubert said the division inspects private wells in the county and all transient non-community wells. The division evaluates requests for permits for new or replacement private sewage systems. Morris said fees for services are calculated based on the Division's costs, similar to the fee calculations for the Licensing Program. The Division recoups as much of the cost as possible, however the division does not fully recover costs for water sampling.

**MOTION:** Stamsta moved, Kolb second, to accept the Audit Report: "Environmental Health Division Licensing Program Audit" and refer to the Land Use Committee. **Motion carried:** 7-0.

#### **Future Agenda Items**

- Draft resolution to WCA encouraging the State Assembly to hold open public meetings.
- Update on Information Management Panel Discussions
- Wisconsin River Rail Transit Commission railroad project costs
- Use of defibrillators in county buildings
- Waukesha County Code of Ordinance wording that pertains to the Executive Committee.

#### **Report by County Board Chair**

Dwyer reminded the committee members of the Communication Center dedication on May 8 at 9 a.m. and the following open house from 10 a.m. to noon.

#### **Motion to Adjourn**

**MOTION:** Haukohl moved, Stamsta second, to adjourn the meeting at 2:36 p.m. **Motion carried:** 7-0.

Respectfully submitted,

Walter Kolb  
Secretary